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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMARY URINA

Write the full name of each plaintiff.

1:24 CV-01880-JHR-JW

(Include case number if one has been assigned)

-against-

AMENDED
COMPLAINT
(Prisoner)

THE CITY OF NEW YORK

vs JONATHAN APONTE RODRIGUES # 6763

Do you want a jury trial?
☒ Yes ☐ No

HERM NEEVES #10194

GIOVANNI TOVAEMENAYA #17138 (JEN BARTHELEMY #21937)

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

☒ Violation of my federal constitutional rights

☐ Other: _____

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

<u>AMARY</u>	<u>V</u>	<u>URENA</u>
First Name	Middle Initial	Last Name

Johnie Cochran
State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.

241-23-02807
Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)

R.E.S.I.
Current Place of Detention

19-19 Hazen Street
Institutional Address

<u>East Elmhurst</u> <u>Brooklyn</u>	<u>New York</u>	<u>11370</u>
County, City	State	Zip Code

III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

- ☒ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee
☐ Convicted and sentenced prisoner
☐ Other: _____

IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1: Jonathan Aponte Rodriguez #6763
 First Name Last Name Shield #
Police officer
 Current Job Title (or other identifying information)
NYPD (48th Precinct)
 Current Work Address
Bronx New York (unknown)
 County, City State Zip Code

Defendant 2: Hiram Nieves #10194
 First Name Last Name Shield #
Police officer
 Current Job Title (or other identifying information)
NYPD (48th Precinct)
 Current Work Address
Bronx New York (unknown)
 County, City State Zip Code

Defendant 3: Giovanni Tovar-Munay #17138
 First Name Last Name Shield #
Police officer
 Current Job Title (or other identifying information)
NYPD (48th Precinct)
 Current Work Address
Bronx New York (unknown)
 County, City State Zip Code

Defendant 4: Wbn Bartholomew #2193
 First Name Last Name Shield #
Police officer
 Current Job Title (or other identifying information)
NYPD (48th Precinct)
 Current Work Address
Bronx New York (unknown)
 County, City State Zip Code

V. STATEMENT OF CLAIM

Place(s) of occurrence: NYPD 48th Precinct (Bathroom)

Date(s) of occurrence: December 12 2024

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

On december 12th 2023 I was arrested by the 48th precinct in the bronx New York. And thereafter I was brought to the precinct. At a point in time while at the precinct I was pat searched by police officers. In which at that time one of the officers did multiple swiping motions inbetween my buttocks (with their hands) I felt very violated and objected to the violative search procedure. These officer took me out the holding pen. And brought me to the precinct bathroom where white handcuffed Police officer Aponte pulled my pants and underwears down and forcibly spread my buttocks and violably tanked U.S currency out of my rectum. During this time Police officers Nieves # 10194, Tovar miraya # 17138, Bartholomew # 2193 Did not do anything to intervene and stop this prohibited and violative procedure. As they stood guard and watched the incidents unfold. (At no time was I afforded an opportunity to strip search on my own without handcuffs in a proper manner

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

I sustained pain and discomfort to my rectum
embarrassment distress mental anguish pain and suffering

Did not tell medical due to embarrassment and humiliation

VI. RELIEF

State briefly what money damages or other relief you want the court to order.

I demand jointly and severally against all of the ^{individual} ~~medical~~ defendants as well as the city of new york in terms of compensatory damages, Punitive damages in the sums of ten million dollars, The convening and empaneling of a jury to consider the merits of the claims herein And if it shall come a time that legal representation is acquired costs and interest and attorney fees. And such other and Further relief as this court may deem appropriate and equitable.

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

<u>June 12 2024</u>		<u>AMARY URENA</u>
Dated		Plaintiff's Signature
<u>AMARY</u>	<u>V</u>	<u>URENA</u>
First Name	Middle Initial	Last Name
<u>R.E.S.H 19-19 Hazen Street</u>		
Prison Address		
<u>East Elmhurst New York</u>	<u>11370</u>	
County, City	State	Zip Code

Date on which I am delivering this complaint to prison authorities for mailing: June 12 2024

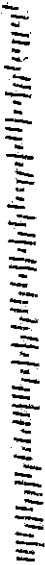
~~R.E.S.H.~~

ARMUR YRENA 241.23.02807
(R.E.S.H.) 19-19 Hazen Street
East Elmhurst N.Y 11370

PSNY
SDNY

PRO 82 INTAKE UNIT
500 Pearl Street PM 200
New York New York 10007

10007-131593



MID-ISLAND NY 117
20 JUN 2024 PM



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